



APR 29 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

KETTUNEN

Atty. Ref.: **10-1304**

Serial No. **09/533,904**

Group: **3629**
~~1731~~

Filed: **March 21, 2000**

Examiner: **Nguyen**

For: **COOKING CELLULOSE MATERIAL USING HIGH
ALKALI CONCENTRATIONS AND/OR HIGH PH NEAR
THE END OF THE COOK**

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April 29, 2002

Honorable Commissioner of Patents
and Trademarks
Washington, DC 20231

RESPONSE UNDER RULE 116

Sir:

The attachments hereto are intended to be in response to the issue under 37 CFR §1.172(a) raised by the Examiner in the "final" official action dated January 29, 2002.¹

The Examiner asserts that no Statement under 3.73(b) has been received. Applicants submit, however, that at the time this application was filed, the assignee did in fact present a consent form and provided evidence (i.e., by reference to the assignment recorded on June 30, 1997) that the assignee, Ahlstrom Machinery Inc. had authority to act. A copy of the Consent form is attached hereto as Exhibit 1. A copy of the assignment document which transferred all rights in the subject invention from the inventor Auvo Kettunen to Ahlstrom Machinery Inc. submitted to the USPTO on January

¹ A formal Notice of Appeal and Brief on Appeal are being filed concurrently herewith so as to address the other issue raised by the Examiner, namely the rejection of claims 47-53 under 35 USC §251.

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KETTUNEN

Serial No. 09/533,904

30, 1997 and recorded at Reel 8390, Frame 0649 on that date, is attached hereto as Exhibit 2.

Subsequent to the filing of this reissue application, the assignee underwent a change of name from Ahlstrom Machinery Inc. to Andritz-Ahlstrom Inc. A copy of the change of name documentation submitted to the USPTO on November 7, 2001 is attached hereto as Exhibit 3. At present, the recorded document of Exhibit 3 has not yet been returned to the undersigned.

Recently, Andritz-Ahlstrom Inc. was merged with Andritz Inc. as evidenced by the merger documentation submitted to the USPTO for recordation on March 28, 2002, attached hereto as Exhibit 4. At present, the recorded document of Exhibit 3 has not yet been returned to the undersigned.

The undersigned attorney of record hereby states that he has the authority to act on behalf of the assignee with regard to matters in the U.S. Patent and Trademark Office concerning the subject application. Please see in this regard the Power of Attorney granted to the undersigned with the reissue declaration. The undersigned further declares and states that the evidentiary documents attached hereto have been reviewed and that to the best of my knowledge and belief, title is in the assignee seeking to take this action.

Thus, it is believed that all issues under Rule 3.73 have been mooted.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

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